

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

FIRST REGULAR SESSION  
FIFTY-NINTH LEGISLATURE

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**FIFTH LEGISLATIVE DAY**  
**FRIDAY, JANUARY 12, 2007**

Senate Chamber

At the request of President Pro Tempore Geddes, Acting President Darrington called the Senate to order at 11:30 a.m.

Roll call showed all members present except President Pro Tempore Geddes, absent on legislative business and formally excused by the Chair; and Senators Cameron and Pearce, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Joe Burke, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

Senator Cameron was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 11, 2007, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

### Petitions, Resolutions, and Memorials

**SJM 101**

**BY SCHROEDER**

**A JOINT MEMORIAL**

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First

Regular Session of the Fifty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, children have been and continue to be the top priority of the Idaho Legislature; and

WHEREAS, the Idaho Legislature places the protection, education and welfare of our children as a top priority; and

WHEREAS, the Idaho Legislature recognizes that the future of our state, the nation and the world as a whole depends upon nurturing and protecting children so that they may grow and develop in a healthy environment; and

WHEREAS, millions of children in this world are sold into slavery and exploited in child sex industries; and

WHEREAS, millions of children worldwide have no opportunity to attend school or even attain basic literacy skills; and

WHEREAS, we find the enslavement and sexual exploitation of children distinctly contrary to our societal values and a violation of the most basic human rights; and

WHEREAS, we also find it unacceptable that children are being denied basic educational opportunities which provide the foundation for their and our futures.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Congress of the United States is urged to direct its own energies and to recommend to the President of the United States that United States foreign policy place the highest priority on the protection of children by withholding foreign aid assistance to those countries that continue to tolerate child slavery and the sexual exploitation of their children.

BE IT FURTHER RESOLVED that United States foreign policy include a significant foreign aid program of providing schools for children whose families lack the resources to secure a basic education for these children on their own.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

**SJM 101** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

President Risch assumed the Chair.

January 9, 2007

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Roger Madsen of Meridian, Idaho, was appointed as Director of the Department of Commerce and Labor to serve a term commencing January 2, 2007, and continuing at the pleasure of the Governor.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C. L. 'Butch' Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

Senator Pearce was recorded present at this order of business.

**S 1001**

**BY COMMERCE AND HUMAN RESOURCES  
COMMITTEE  
AN ACT**

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1302, IDAHO CODE, TO REFERENCE THE ABILITY TO PURCHASE MEMBERSHIP SERVICE RELATED TO CERTAIN ACTIVE DUTY SERVICE IN THE ARMED FORCES; AMENDING SECTION 59-1352, IDAHO CODE, TO REVISE THE DATE APPLICABLE TO ELIGIBILITY FOR DISABILITY RETIREMENT; AMENDING SECTION 59-1356, IDAHO CODE, TO CLARIFY SEPARATION OF SERVICE FOR RETIRED MEMBERS; AMENDING SECTION 59-1359, IDAHO CODE, TO CLARIFY SEPARATION FROM EMPLOYMENT FOR INACTIVE MEMBERS; AMENDING SECTION 59-1362, IDAHO CODE, TO PROVIDE FOR THE PURCHASE OF MEMBERSHIP SERVICE RELATING TO A MEMBER'S ACTIVE DUTY SERVICE; AND AMENDING SECTION 59-1363, IDAHO CODE, TO REMOVE LANGUAGE REFERENCING THE PURCHASE OF OTHER MEMBERSHIP SERVICE.

**S 1002**

**BY COMMERCE AND HUMAN RESOURCES  
COMMITTEE  
AN ACT**

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 33-1228, IDAHO CODE, TO PROVIDE THAT CERTAIN CONTRIBUTIONS SHALL BE HELD IN TRUST, TO PROVIDE THAT THE RETIREMENT BOARD SHALL SERVE AS TRUSTEE OF THE TRUST, TO SET FORTH LIMITATIONS APPLICABLE TO TRUST ASSETS AND TO PROVIDE THAT TRUST ASSETS MAY BE COMMINGLED FOR INVESTMENT PURPOSES WITH OTHER ASSETS MANAGED BY THE RETIREMENT BOARD; AMENDING SECTION 67-5333, IDAHO CODE, TO PROVIDE THAT CERTAIN CONTRIBUTIONS SHALL BE HELD IN TRUST, TO PROVIDE THAT THE RETIREMENT BOARD SHALL SERVE AS TRUSTEE OF THE TRUST, TO SET FORTH LIMITATIONS APPLICABLE TO TRUST ASSETS AND TO PROVIDE THAT TRUST ASSETS MAY BE COMMINGLED FOR INVESTMENT PURPOSES WITH OTHER ASSETS MANAGED BY THE RETIREMENT BOARD.

**S 1003**

**BY COMMERCE AND HUMAN RESOURCES  
COMMITTEE  
AN ACT**

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1356, IDAHO CODE, TO SET FORTH CONTRIBUTION AND PAYMENT PROVISIONS TO APPLY WHEN AN EMPLOYER FAILS TO PROPERLY REPORT THE EMPLOYMENT OF A RETIRED MEMBER AND BENEFIT PAYMENTS HAVE BEEN MADE.

**S 1004**

**BY SCHROEDER  
AN ACT**

RELATING TO DOMESTIC CERVIDAE; AMENDING SECTION 25-3701, IDAHO CODE, TO PROVIDE A MORATORIUM ON THE REGISTRATION OF DOMESTIC CERVIDAE FARMS AND RANCHES; AND DECLARING AN EMERGENCY.

**S 1005**

**BY SCHROEDER  
AN ACT**

RELATING TO DOMESTIC CERVIDAE; AMENDING SECTION 25-3701, IDAHO CODE, TO REQUIRE DOMESTIC CERVIDAE FARM AND RANCH PREMISES TO BE LICENSED WITH THE DEPARTMENT OF AGRICULTURE; AMENDING SECTION 25-3702, IDAHO CODE, TO PROVIDE THAT THE FUNCTIONS AFFECTING PRODUCTION OR DISTRIBUTION OF DOMESTIC CERVIDAE OR PRODUCTS THEREOF ARE VESTED IN THE DEPARTMENT OF AGRICULTURE; AMENDING SECTION 25-3704, IDAHO CODE, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE TO MAKE, PROMULGATE AND ENFORCE CERTAIN RULES; AMENDING SECTION 25-3705, IDAHO CODE, TO AUTHORIZE THE DEPARTMENT OF AGRICULTURE TO INSPECT DOMESTIC CERVIDAE FARMS; AMENDING SECTION 25-3705A, IDAHO CODE, TO REQUIRE THAT THE DEPARTMENT OF AGRICULTURE BE NOTIFIED RELATING TO THE ESCAPE OF DOMESTIC CERVIDAE AND TO AUTHORIZE THE DEPARTMENT OF AGRICULTURE TO TAKE ACTION TO BRING ESCAPED DOMESTIC CERVIDAE UNDER CONTROL; AMENDING SECTION 25-3705B, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF FISH AND GAME SHALL COOPERATE WITH THE DEPARTMENT OF AGRICULTURE TO DEVELOP CERTAIN HERD PLANS RELATING TO WILD UNGULATES; AMENDING SECTION 25-3706, IDAHO CODE, TO REVISE CRIMINAL AND PENALTY PROVISIONS AND TO PROVIDE FOR LICENSE SUSPENSION AND REVOCATION; AND AMENDING SECTION 25-3708, IDAHO CODE, TO PROVIDE FOR THE USE OF CERTAIN FEES BY THE DEPARTMENT OF AGRICULTURE.

**S 1001, S 1002, S 1003, S 1004, and S 1005** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent,  
the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett,  
by voice vote the Senate adjourned at 11:50 a.m. until the hour of  
11:30 a.m., Monday, January 15, 2007.

JAMES E. RISCH, President

Attest: RUSTI HORTON, Assistant Secretary